

HOUSE OF REPRESENTATIVES—Monday, April 14, 1997

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. PEASE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

April 14, 1997.

I hereby designate the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

NEWT GINGRICH,

Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O gracious God, that we represent our best selves when we see our lives with the perspective of thanksgiving and praise. On this day we voice our gratitude for the freedoms we have to express our faith in differing and divergent ways, each person with the opportunity to believe, each with the opportunity to witness, each with the possibility to worship and pray as You have given us the wisdom so to do. Just as we hold to our own heritage of faith and our own words of belief, so we have been blessed in this Nation by the liberty to believe as we believe, to worship as we worship, and to pray as we pray. For these gifts we offer this prayer of thanksgiving. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. ROGAN] come forward and lead the House in the Pledge of Allegiance.

Mr. ROGAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 785. An act to designate the J. Phil Campbell, Senior, Natural Resource Conservation Center.

H. Con. Res. 11. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate had passed a joint resolution and a concurrent resolution of the following titles:

S.J. Res. 11. Joint resolution commemorating "Juneteenth Independence Day," June 19, 1865, the day on which slavery finally came to an end in the United States.

S. Con. Res. 20. Concurrent resolution expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992.

EXTENDING ORDER OF THE HOUSE OF FEBRUARY 12, 1997, THROUGH APRIL 16, 1997

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the order of the House of February 12, 1997, be extended through April 16, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT OF EMERGENCY MEETING OF COMMITTEE ON RULES TODAY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, this evening at 5 p.m. the Rules Committee will be meeting on other matters, but I would announce that there will be an emergency rules meeting of the Rules Committee for the purposes of establishing a Suspension Calendar for Wednesday and Thursday and I would like to inform the body.

JUSTICE IN RESOLVING THE GINGRICH ETHICS VIOLATION

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, as a former prosecutor and judge, I devoted

my life to ensuring that great injustices did not occur; and my concern, Mr. Speaker, is that we are a body about to see a potential injustice done with respect to final resolution against the Speaker of the House in reimbursing the Committee on Standards of Official Conduct.

There has been a great deal of disinformation spread about his particular case. In fact, Mr. Speaker, there was no finding of any violation of tax law. The Committee on Standards of Official Conduct filed a 22-page report and found there was no evidence of any willful or criminal conduct on behalf of the gentleman from Georgia [Mr. GINGRICH]. There was no violation of law found by this bipartisan committee. And yet, despite that, Mr. Speaker, there is this great urge now to come up with a preordained result as to how the Speaker ought to pay that.

Mr. Speaker, I rise to urge Mr. GINGRICH to consider his options and give them equal consideration as he decides how to reimburse this House and not be cowed or intimidated by any lynch mob out to obtain a result disproportionate to the transgression that the House found.

AMERICA'S PATENT SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. ROHRBACHER] is recognized for 60 minutes as the designee of the majority leader.

Mr. ROHRBACHER. Mr. Speaker, yesterday was the birthday of Thomas Jefferson. Thomas Jefferson, author of the Declaration of Independence, is a revered Founding Father of our Nation, the man who stood more than any of our other Founding Fathers for liberty and independence, the author of the Declaration of Independence.

Thomas Jefferson, I might add, did not stand just for liberty and freedom and democracy, he also stood for technology. Many times, people have forgotten this aspect of Thomas Jefferson, but Thomas Jefferson's commitment, his dedication to the concept of America being a new kind of society where people would be free to grow and to expand and to live decent lives and to have opportunity that was unknown throughout the world at the time of Thomas Jefferson, his dedication has been imprinted onto American law in ways that most Americans do not even remember or reflect upon as we enjoy this freedom and this great standard of living that we have as Americans.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Thomas Jefferson was a technologist as well as a democrat, small-D democrat. Thomas Jefferson, when he retired from his political life, went home to invent gadgets and devices and machines around Monticello, which can be seen even today as visitors visit Monticello. So today it is fitting that we begin this week, the Thomas Jefferson week in the House of Representatives, recognizing that on Thursday of this week, there will be a vote on the floor of the House of Representatives, this body, that will make the difference as to whether America remains the technological leader of the world or whether we will gut our patent system and open up this country to the greatest theft of its genius and creativity that the world has ever seen.

Yes, on Thursday, there will be a vote that will make the difference in the standard of living of future generations of Americans and not only our economic well-being but the security of our country as well. What is fascinating is that most Americans have no idea that this issue is coming to a vote. In fact, half or more of the Members of Congress do not know the issue will be coming to a vote. Yet it will come to a vote, the skids have been greased, the legislation is coming forward, and it will be voted on on Thursday whether or not the Members are fully aware of how their constituents believe. But what they will be aware of is the lobbyists for multinational corporations who are knocking on their door telling them how important it is to pass said legislation on America's patent system.

How fitting for Jefferson's week that we will be at a turning point because, if we vote the wrong way, if we permit the gutting of our patent system, America's technological lead will evaporate in the next 20 years; and Americans 20 years hence, the children of today, will never know what happened to their standard of living.

I call it Pearl Harbor in slow motion. What will happen is that foreigners who have long looked at America's technological genius with envious eyes will at last have the legal opportunity to steal American technology and to use it against us because we are changing the patent system that has protected Americans for over 200 years in a way that guts the protection of the little guy, the little guys like Thomas Edison, like Alexander Graham Bell, like the Wright Brothers.

The word has not gotten out because there is a blackout in the mainstream media that this bill will be coming forward. In fact, there was one article in the New York Times, and that is all I have seen among the networks and among the major newspapers of this country, one small article and no articles leading up to this great momentous decision that will be made.

Someone does not want the public to know the decision that will be made

here on Thursday. The American people would be left totally in the dark if it was not for talk show radio hosts like Michael Reagan and others who have been spreading the word and warning the people, like modern-day Paul Reveres, telling the American people to wake up or they will lose their freedom.

We will be making this decision on Thursday. If the American people remain in the dark, a decision will be made that will harm their children. As I say, their children will think, did we not used to have the technological lead? Were we not always the leaders? Did we not put a man on the moon? Were we not the ones, why was it that our fathers and grandfathers could outcompete all these countries with cheap labor and now we cannot do it anymore?

They will never know. It will never be traced back to a vote here on the floor of the House of Representatives on the week that we celebrate Thomas Jefferson's birthday in the year 1997. They will not even think about it because patent law and many of the laws that protect our rights and have been responsible for this great land of liberty and opportunity that we enjoy today, many of those laws are taken for granted. Freedom, people have said, is like the air; you take it for granted until it is denied. The moment you are denied the right to breathe air, you will realize that breathing air is the most important thing in your life because everything else disappears without it. But yet we take it for granted because it is abundant and all around us.

So, too, with America's freedom, so, too, with the legal protections that have permitted the people of the United States by and large, millions of us, tens of millions, hundreds of millions of us to live lives of dignity and opportunity, lives that are the dream of people throughout the planet and over the ages.

Yet that will be threatened because the legal basis that protected America's rights is being eroded, the legal basis is being eroded. It is being eroded bit by bit by people who have good motives. They say that we live in a world that is far different than the world of Thomas Jefferson, far different than the world of Teddy Roosevelt, far different than the world of Dwight Eisenhower and Ronald Reagan.

□ 1415

They say now we live in a world where we have to accommodate the changes by creating a global economy. These individuals, who are very well-intended, believe that by creating a global economy that we can perfect the planet, or at least near perfect the planet.

I say to my fellow Americans today and my colleagues in the House of Rep-

resentatives, "Lord, protect us from those who would perfect mankind." Because, in the end, they always threaten the rights and freedoms of the American people.

I do not care if they were Communists, I do not care if they were Fascists, I do not care who they are or what they are, if they will superimpose an ideal world upon the American people with no reflection on our constitutional rights, we will see a diminishing of our rights and we will see a decline in our standard of living.

Mr. Speaker, the vote that is coming up on Thursday will be a vote on H.R. 400, which has already passed committee, both the subcommittee and the committee. Yet the American people have no idea that this great gutting of our patent system is on the way to the floor and what repercussions it will have on the standard of living of the American people, of their children and their children's children.

I have a piece of legislation that will be granted the right to be offered as a substitute to H.R. 400. I call H.R. 400 the Steal American Technology Act. My bill, H.R. 811, and its companion bill, 812, will be offered as a substitute to H.R. 400.

The issues are clear and simple. However, the American people have been denied the right to hear those issues. They have been denied the right to a public debate by a media elite that has put a blanket over this issue.

Perhaps the media believes that patriotism and loyalty to one's country and fellow countrymen is old-fashioned. Perhaps they believe that it will hinder the development of a global economy, which will benefit all the people in the world. I do not know what the motive is, but I will say this much; that this is a crucial vote in our history, and unless the American people become part of the process and contact their Representative in Washington, DC, this vote will be lost and the American people will never know what hit them.

Here are the central issues. When we ask our colleagues why they support H.R. 400, they will say that there are numerous reasons they support H.R. 400. H.R. 400 officially is called the 21st Century Patent Reform Act. The 21st Century Patent Reform Act. That is what they will say; that there are lots of reforms.

It is like a bouquet of flowers that is being handed to the American people: Look at all of these reforms. And I will have to admit when I look at the flowers in the bouquet I am very supportive. In fact, my alternative substitute for H.R. 400 will contain all the flowers that are in H.R. 400. We have taken from the bill all of the good points of that bill, and that is all the authors want to talk about.

That was not the original title of H.R. 400. I call H.R. 400 the Steal American Technologies Act, but that is my

title. The title they are going by now officially is the 21st Century Patent Reform Act. What was the original title of H.R. 400 when it was introduced over a year ago in the House of Representatives? The title then was the Patent Publication Act.

Well, why have they changed the name? Why has the name changed? The name has changed because in those flowers that I talked about in the bouquet are poisonous snakes. Poisonous snakes. If we only look at the flowers and we take the bouquet home, the snakes will bite our family and children and will destroy us. And the worst of all of the snakes is a snake called publication, which is the central purpose of the bill. That is why H.R. 400 was called formerly the Patent Publication Act, because the purpose of the bill is to establish a rule about publication.

For those who have not heard what this rule is, it is dramatic, it is revolutive, it is something that will shock one's sensitivities, because no one will believe that serious people are proposing that this become the law of the land in the United States of America.

What I am talking about is the main provision of H.R. 400, the provision that mandates that every American inventor who applies for a patent, that after 18 months that patent application will be published for the entire world to see whether or not the patent has been issued.

To tell my colleagues how different this is, from the founding of our country and the Constitution of the United States, from the moment that was affirmed and made the law of the land until today, Americans have had a right of confidentiality. An American inventor who applied for a patent would know that until that patent was issued no one else could know about what his application dealt with. No one would be given the details. He and his investors, he or she and their investors would be protected from their competition and from thieves.

H.R. 400 dramatically changes the fundamental law of the land to permit every thief in the world, every copycat, every individual and organization that despises the United States of America to have possession of every one of our intellectual and technological secrets so that they may use those secrets and that technology against the interests of the people of the United States of America.

There are all kinds of reasons that we will hear from the proponents of this bill as to why it is so important for our big businesses, our big businesses, to have knowledge of what is being investigated and researched by different inventors and that will give them a heads-up on what our inventors are up to.

Yes, that will give our own businessmen a heads-up, and then those huge

corporations can steal from the little guy as well, just like multinational corporations. More importantly, it will permit multinational and foreign corporations to have that same information to go into production and to use the profits from producing their stolen technology to defeat and destroy American technologists in the court, using our own resources against us.

Now, why are people doing this? Again, they will say they have some sort of motive that makes sense, and sometimes it is hard to understand, but let me show everyone the real reason. What we have here, my fellow colleagues, people of the United States, and I will put this into the RECORD for another time, this is a copy of an agreement that was signed on January 20, 1994. The signatories are the head of the United States Patent Office, Bruce Lehman, and his Japanese counterpart. This is an agreement by the head of our Patent Office to harmonize American law with that of Japan's. That is the real purpose behind this legislation.

Why do we want to change our patent law so that it discloses all of this secret information, all of our technological secrets to our adversaries? Because we have an agreement to harmonize our law. Did anyone ever pass on that agreement? Did someone acknowledge this agreement on the floor of the House or the U.S. Senate? Absolutely not. But then we turn around and we have people trying to put this into law without telling us what it is really all about. Bruce Lehman had no power to make this agreement, but we can be tricked into fulfilling the obligations set out by this unelected official from the United States.

To put things into perspective, harmonization of law with Japan may be a good thing, if they are bringing their standards up to ours. But Bruce Lehman, as is clear by this document, has set out, along with his supporters in the administration and in the corporate community, to bring down the protections of American law to the level of Japan. That is harmonization. That, ladies and gentlemen, is a formula for catastrophe and disaster for the people of the United States of America. That is a formula that will permit the economic shoguns and the tyrants who rule the Japanese economy and brutally suppress anyone who threatens their interests, it will permit those power elites in Japan, who have beaten down their own people, to come to the United States and beat down our people because now we have changed our legal protections to harmonize with Japan's.

Why should they not come here and steal our technology? Why should they not try to beat us down and destroy the standard of living of the American people in order to put cash in their own pockets? Why should they not when

the American Congress is willing to change the law to permit them to do it?

It is not shame on the Japanese. The Japanese Government is simply watching out for the interests of Japanese people and the special interests who hold power in Japan. It is not shame on Japan. It is shame on those people who would decrease the legal protection of the people of the United States in order to harmonize our law; those people who would risk our standard of living and the technological advances that have kept us the envy of the world, who now have a global picture in mind and think that having the American people, a people guaranteed certain rights and freedoms and opportunities that do not exist in other parts of the planet, that that has become some sort of passe goal for American leaders.

If it was not for the United States of America, there would be no freedom and no hope anywhere in the world. Yes, I think it is nice that we should try to help others and we should try to help establish situations where trade and commerce flourish. I believe in free trade. But I believe in free trade between free people. I believe first and foremost, when our negotiators sit down at the table they should not be thinking about some idealistic goal that is a dream goal of a unitary planet where commerce is flowing freely and that everyone is benefitted, but when they sit down at the table they should be representing the interests of the people of the United States.

There is nothing wrong with that. We should make no apologies for that. The American people have borne the burden of war and borne the burden of aid to other countries. We have been the most generous people in the world, but we should not be generous with our technology and permit others to steal it in order to use it against us.

Yes, there will be a price to pay. Not only our economic adversaries will be stealing this technology, but so will potential foreign policy and military adversaries. The Americans won the cold war not because we matched the potential Communist enemy man-for-man. It was when Ronald Reagan expanded the technological capabilities of our military that broke the will of the Communist bosses in Moscow and led to a more peaceful world.

Today we have a great opportunity to lead mankind into a more peaceful world, but we will not do it by lowering the protections that have afforded Americans the highest standard of living and the rights of opportunity and freedom that were unknown in other parts.

Yes, the Chinese, not just the Japanese, and other American competitors are ready and waiting with their Xerox machines and their fax machines for this Congress to pass this rule that will mandate every one of our technological

secrets to become public information even before the patent is issued.

We are told, well, we are giving the right of people to sue some corporate entity if the corporate entity steals their patent after it has been published after 18 months. To put this in perspective, often it takes years for a patent of significance to issue, sometimes 5 and 10 years. Thus, we are saying to our people we are going to expose all of your secret information, all the work that you have done to your adversaries, who can then use it, and then once the patent is issued, let us say 5 or 10 years later, after they have been in production of your idea, of your technology, we are giving you the right to sue them.

This is asking smaller American companies or even individual Americans to sue huge U.S., huge foreign, and multinational corporations. Talk about a fantasy. This is an absolute fantasy that that means anything. That has absolutely no relevance. It is setting up a situation where there will be theft and no recourse because the Americans will not have the money to go out and file these suits against huge foreign corporations, especially if those huge corporations happen to be the People's Liberation Army of China, which is currently stealing much of our intellectual property.

□ 1430

Let us put this in perspective as well. The Wright brothers, people who we are so proud of. We are proud of the Wright brothers. Go down to Kitty Hawk, NC, and see where two Americans, with little education, who worked at a bicycle shop, had a dream, had a dream of inventing a machine that would permit mankind to soar through the air. And people all over the world who had tried before them failed, yet they persevered, and they tried and they failed and they came back to try again. And there on the windy slopes on the coastline of Kitty Hawk, NC, in 1903, less than 100 years ago, mankind ascended into the sky with powered flight for the first time, and the lives of the American people and the people of the world were changed forever, because they had discovered the secret of the shape of the wing and the aerodynamics of an airplane. And under the new system that is being decided on Thursday, if it passes, the Wright brothers' secret would be made public for everyone in the world to know the secret before the patent was issued, and you can bet that Mitsubishi Corp. in Japan, which made airplanes during World War II to shoot down Americans and destroy Americans, that that corporation would have used the Wright brothers' patent information to build aircraft, and today the American people would say, well, I wonder why Japan is always ahead of us. How come they are always ahead of us? Like for

example, how come we have to buy all of our jet airplanes from Japan? They would never know that if it was not for this type of legislation that America would have a strong aerospace industry, that we would have hundreds of thousands of jobs, high-paying, good jobs, manufacturing jet aircraft, except for the fact that we changed the law and the Japanese were able to steal the technology and go into production. Yes, that is how much difference it will make in the future for America, but they will never know what hit them.

This law, H.R. 400, is the worst piece of legislation that I have seen as a Member of Congress. It is also perhaps the piece of legislation that has been attempted to be passed through this body in the most insidious manner that I have seen during my time in Congress. This agreement with the Japanese in 1994 has two main provisions. One we are talking, is the publication, and the other one happens to be the changing of another fundamental in our patent system called the guaranteed patent term.

Americans do not even know this. But right now they have already lost that right. Up until 3 years ago, until from the time of the founding of our country, that any inventor in the United States had a right to a guaranteed patent term. That patent term would be the same no matter how long it took the patent to be issued from the bureaucracy, from the Patent Office. Well, that was what our Founding Fathers had in mind, because no matter how long it took that patent to issue after someone applied for a patent, he had, or she had, 17 years of guaranteed protection. That is called the guaranteed patent term. You would have a guaranteed term of 17 years. Again to model the Japanese system, that was replaced 3 years ago. The American people do not even know they have lost that right and it has been replaced by a system that is the Japanese system. The Japanese system, by the way, is when someone applies for a patent, the clock starts ticking, but it is ticking against the inventor and 20 years later you have no more patent rights. And during that 20 years, if the bureaucracy is slow or you have powerful interests trying to slow up the issuance of your patent, you are losing every second. That is why in Japan they never invent anything, because in reality the inventors do not have a guaranteed patent term. They have something that is uncertain and people do not invest in new technology, they invest in stealing other people's ideas.

We have already changed that. That change was made not by an up-and-down vote here on the floor of the House, that change was made when some bright person, and I do not know who that person was, decided to get around the democratic process in the United States, meaning let us not let

the elected representatives of the people of the United States vote on this fundamental change in our patent law. Instead, this provision was stuck into the GATT implementation legislation. GATT was an agreement on trade and tariffs between a multitude of countries around the world. We gave our President fast-track authority which permitted him to make the agreement and then when he brought it back to the House floor, that we would have 50 days to look at it but only those things that were required by GATT were supposed to be in that legislation. This was not required by GATT. This change in our patent law was not required by GATT. Yet it was put into the GATT implementation legislation. Why was that? Because some bright person, I do not know who it was, decided that by-passing the democratic process where we would get an up-and-down vote on this did not make any difference. So Members of Congress were faced with voting against the entire world trading system or accepting this change in the patent law, and what was the purpose of that, what I consider to be an underhanded maneuver? It was to fulfill our agreement, an agreement made between two unelected officials, but especially the official representing us was unelected, in Japan. If we let unelected officials go to Japan and let them bargain away our rights as Americans and then come back here and sneak the provisions of those agreements into other pieces of legislation, our standard of living and our freedom are in jeopardy. That is why I am making such a big deal about this vote that is coming up on Thursday. It is a threat to our national security. It is a threat to the well-being of average Americans. There has never been a vote in this body that I have seen in my 8 years as a Member of the House that is more of a little guy versus big guy vote. In fact, there is bipartisan support of H.R. 400, the Steal American Technologies Act, but there is also bipartisan support for my substitute, the Rohrabacher substitute, H.R. 811 and 812. DAVID BONIOR, MARCY KAPTUR, CYNTHIA MCKINNEY, you name it, we have got some very strong, active, liberal Democrats and we have got some conservative, active Republicans, but it all comes down to the little guy versus the big guy. Our corporate interests in the United States of America, the big corporations, have decided that they would be cutting deals with their multinational brothers and sisters, and the foreign corporations have decided it is time to end America's patent system as it has been since the founding of our country, and we are in the process of seeing that go down if H.R. 400 passes.

I have told you the main aspect of H.R. 400 has been publication. But there are other aspects of H.R. 400 which I call other poisonous snakes in

the bouquet. And when you ask someone about H.R. 400 and they say they are in favor of H.R. 400 and then want to talk about the little flowers, tell them you do not want to talk about the flowers, you want to talk about the poisonous snakes. Everybody is in favor of the flowers. And the first poisonous snake is the publication, mandatory publication. Is someone in favor of publishing for the world all of our secrets?

That is No. 1. But the second item, the second poisonous snake, it is called reexamination.

When our patents are issued to Americans, those patents are your property. You then own a piece of property for a given period of time. It is like someone giving you a deed. There has only been one way to challenge that deed, and that is if someone can prove that that person actually invented the invention first and that the Patent Office was wrong, that they invented it first. But H.R. 400, on the other hand, does what? H.R. 400 opens up for reexamination America's current patents, so not only are they putting in jeopardy all of our future technology, they are also putting at risk all of our current technology that is patented. William Banner, former U.S. Commissioner of Patents and Trademarks, calls attention to the fact in this bill in terms of publishing patent applications, and it will permit those applications to be subject to reexamination prior to any patent issuance as well as after the issuance. So what we have got here is the experts now are telling us, this bill permits reexamination of current patents and examination of those patents that are in the process, reexamination within the process.

What we have got is a lawyers heaven. We have opened up for litigation. All of our patent rights are now on the legal block. You can bet that when a foreign company decides that they want to use American technology, and it has been patented already, that company is going to say, well, should we sue this American company and tie them up or should we just pay them royalties? They are not going to go for the royalties. They are going to say, let us tie them up, let us put them through the grinder and if this company does not have the money or if this small group of American inventors do not have the money to basically protect themselves in court, then the foreign corporation will win. That is on current patents. That is currently the patents that exist.

This bill, H.R. 400, is an invitation to every thief in the world, every powerful interest in the world to come and take on the American people and to steal our technology. People say, well, how can anybody support this? Well, this same gentleman who signed this agreement is still the head of our Patent Office, Bruce Lehman. Last year he pro-

posed, guess what? Mr. Lehman proposed last year that we give the entire data base of our Patent Office, that we put it on disks, on these computer disks, the entire data base for our Patent Office and give it to the Red Chinese. I know there are some people right now just falling out of their seats and they cannot believe that anyone would ever do that. When he was asked, why would we ever want to do that, his answer was, "Well, we've got to tell them what not to steal, and we can give a little message, here's what not to steal." Well, that is very close to sending the world's worst crime syndicates the combinations of every safe in the United States of America and say, By the way, we would hope that you don't steal and use these combinations to the safes in the United States of America to steal American money.

We are sending you this so you will know what not to do. Give me a break. What is going on here? Something is going on here. It is called the harmonization of law that has nothing to do with the best interests of the people of the United States.

Something else, another poisonous snake in H.R. 400, the bill that will be voted here on Thursday, celebrating Jefferson's birthday, the birthday week of Thomas Jefferson, we will vote, and a poisonous snake in the bouquet of H.R. 400, another one, is that the Patent Office that is written into our Constitution, in our Constitution is written a provision that establishes a Patent Office. We can thank Tom Jefferson, we can thank Ben Franklin, we can thank our forefathers and mothers who saw well beyond the years of 1789 and knew that this would be important to our country, that we would actually establish in our Government a means of protecting the new genius of our people and that people would come from all over the world to participate in this, the American dream. But do you know what H.R. 400 does to the Patent Office? It obliterates the Patent Office. It eliminates the Patent Office as part of the U.S. Government. It corporatizes the Patent Office. Corporatizes. What does that mean? Well, I am not sure exactly what it means. It turns the Patent Office, which has been part of our Government, into sort of a quasi-private, quasi-government corporation that is sort of like the Post Office. To put it in perspective, our Patent Office has functioned for over 200 years and there has never been a scandal in which the patent examiners, the men and women who make the decision as to who owns these technologies, decisions that are worth billions of dollars, decisions that will mean whether or not we will have a high standard of living, whether or not the flow of wealth will come in the direction of the United States, or will pour out of the United States into other countries and into the coffers

and bank accounts of other interests in the world, these patent examiners have never, ever had a scandal in which their veracity and their integrity was called and that they had failed us as Americans.

□ 1435

They have always worked hard and diligently, and it is a tough job. Now these people who have been protected as civil servants from outside influences because they were part of the U.S. Government, these civil servants, who we can thank for doing a good job, are now going to be put under a new structure that will not be part of the U.S. Government officially, but instead will be a corporatized entity, a corporatized entity.

Now what kind of influences will be put on people who work for a new corporatized entity? Will they be protected from the outside?

Well, for one thing, the patent bill suggests that this new corporate entity, this H.R. 400, says that it may, if you want to listen to this, that H.R. 400 says that this new corporate entity "may accept monetary gifts or donations of services or of real personal and mixed property in order to carry out the function of the office." In other words, this new corporate entity will be able to receive gifts from big foreign corporations or special interests from here and abroad.

Do you think that would have some impact on the way we do business, in the way that people make decisions as to who owns what property and what patents are issued? Well, it might, it might not, but we are opening the door. This is not a door that we want to open to poisonous snakes.

And then, of course, the opposition says, well, Government agencies, Government agencies, can already accept gifts. Well, that is true. That is true, and you will hear that rebuttal from the proponents from most people who are supporting H.R. 400.

My colleagues, when you hear that rebuttal, keep in mind that that is half the story. The other half of the story, when you can accept gifts, is that what can you do with those gifts?

Currently anybody who gives a gift to a Government agency or department, well, those gifts now basically have to go through the Federal property and administrative services, and they basically, what you have got to do, other people, other Government agencies who are set up to handle these gifts, determine what happens to the gifts, and they basically go, and they become Federal property for the overall Federal Government.

What we are doing with this legislation is exempting this new corporatized Patent Office from that requirement. Thus, they will be able to accept gifts and use it for the Patent Office as determined by the directors of the Patent

Office. Do you think that will influence anybody?

So anybody who says do not worry about it, every Government agency has this same type of right to accept gifts, remember that person is trying to deceive you because they know darn well that currently those gifts and the gifts of other agencies are well controlled by the Federal Government, and their insurance is to make sure that does not influence those decision makers in those departments and agencies and that this new corporate entity is exempt, exempt from that type of safeguard.

Also, I might add that the new corporate entity has a right to borrow money on the U.S. taxpayers. That is correct. This new corporation, this new corporation that will come into existence, the patent corporation, who will be deciding on our future rights as Americans, have a right to borrow money and to issue bonds. H.R. 400 transforms an agency now fully funded by user fees to one that can borrow and incur debt.

Last year Patent Commissioner Bruce Lehman stated that he would seek—now get this—Bruce Lehman has already stated for the record that he would seek to borrow \$2 billion, citing priorities like a new headquarters for the corporate structure; \$2 billion added to our national debt. That debt is our debt. That debt, if this new corporation does not pay it back, becomes the responsibility of the American taxpayers.

Oh, my gosh. Oh, my gosh. Can you imagine? We have got a corporate entity out there, somewhat independent, who now can borrow against, and we are responsible to pay it back. We got somebody who believes they are going to build, they are going to spend billions of dollars on new offices, and you can bet when this Mr. Lehman buys his office that he is going to want it to be pretty plush, and I have not seen the plan, but I bet you there will be more marble in this new patent building, especially on his floor that he has for his offices, than one can ever imagine, and I am sure there will be lots of gold trim, too, because why not? They are going to borrow from the taxpayers, and we have got a limited right to step in and make sure that we have oversight, they have limited oversight, as compared to today where we have just the same oversight as any other Government agency.

So, we have this decision coming up on Thursday. We have all of these poisonous snakes about to be unleashed on the American people. The seed corn of American prosperity is about to be given away because that is the seed corn of America's crops in the future, that is our ideas in this era of ideas, and we have got the mainstream media with a total blackout, almost a total blackout on this issue, we have got

talk show hosts all over the country talking about it because they have been informed, and they are running with it and going directly to the American people.

How will the vote turn out? How will the vote turn out? It could go in either direction. Something as important to the future of our country, to the well-being of our children, something that goes to the heart of our system, is going to be decided, and it can go either way, and you have got people here who delightfully will say the biggest employer in my district wants me to support this bill and that is what I am going to do, and that is what a lot of Congressmen are basing their opinion on, the largest employer in their district.

So let us talk about the dynamics of why we have ads being placed in the Roll Call magazine by America's largest corporations trying to foist off on the American people this gutting of America's patent system. Why is that? What are the dynamics involved?

Well, first and foremost I believe that our own multinational and domestic corporations who sometimes have interlocking directorates with other corporations from other countries, I might add, first and foremost they do not want to pay royalties to inventors either. So they would just as soon wipe out what they consider an antiquated protection of American technologies because it is just too much. Of course, these same corporations would invest in Adolf Hitler's Germany in order to make a 20-percent profit, just like they are investing all of the money now in Communist China in order to make a 20-percent profit rather than creating jobs in the United States of America for American workers because they would rather do that even though it is a dictatorship than to invest over here because over here their return of their investment is maybe 10 percent a year, and over there it might be 20 or 25 percent.

Well, that is one reason. They want to make more money, they do not want to pay royalties, and they do not care about the people of the United States, and they especially do not care about these little nerd inventors, which is what they think of inventors.

Well, another reason huge corporations get together and put ads in Roll Call, and I might add huge corporations, foreign and domestic, hire lobbyists, an army of lobbyists, to knock on the doors of each and every Member of Congress to try to get them to vote in this way is because they like the status quo, they like the status quo, and there is nothing that distorts the status quo as much as someone coming up with a new technological innovation. And they want to control, they want to control growth and progress in the United States, so that their investment in all of this new equipment and all of their

corporate structures that are based on current technology, they do not want to put that technology at risk. They would rather us stay exactly the way we are because then their capital investment does not have to be remade. But these small inventors who come up—you know some guy who comes up; by the way, I have got an invention that can do that very same thing and will only cost a dollar as compared to \$200 that you are charging for what you do currently. Do you think a corporate leader wants to hear that? They do not want to hear that. They want that guy to go away. They do not want the American people to have a cheaper widget. They do not have a cheaper refrigeration system. They do not want to have something that develops that makes our life better, but we do not have to pay as much money to some big corporation for making it for us.

The fact is that the corporate leaders today are not the innovators of the world, they are not the people, the Alexander Graham Bells; they are not the Thomas Edisons. They are people who got educations in corporate management at big elitist schools, and they do not care about the people of the United States, and they do not want their elite position challenged. They want to control what happens in our country for their benefit, and they do not want new innovations coming out that could so stir up things that it makes their current investments meaningless.

That is a big motive for what is going on right now with H.R. 400. That is one of the reasons that we have H.R. 400 before us today, because there are powerful interests who do not—do not respect the will, nor do they consider themselves to be Americans and watching out for the interest of Americans. They are watching out for their bank account. And what effect will this have if we let those people, those elitists move forward? How will it impact us? How will it impact the average American?

I have had calls from all over the United States, all over the United States from inventors and from small companies, small businesses who are trying to develop new things. Just last night I was talking to a person who owns a small company in my own congressional district, and they told me, and I will not go into great detail about it, but about a process that will absolutely prevent, and I should not say "absolutely" so often that will prevent meat from being contaminated, and when it is contaminated, it will alert the consumer so that never again will we have to worry about getting bad meat and different bacteria in the meat, and it would be very low cost, and it will just spread across America, and it is a marvelous idea, and do you know that he has been waiting for his patent for over 2 years, and if this system was in place, the system they are

trying to foist on us, his information that he used to—he used, you know, hundreds of thousands of dollars in time and investment to develop this new technology. It would have been published, all of his people all over the world would already have known about it, his competitors, and he would never ever get any return on it. So why should he even try in the first place? That system would never emerge because no one would have the profit motive to come up to try to invent it.

Then of course we have got letters from a person who is trying to act like—talk to this person as well who has developed a way of debugging not only buildings, but crop land without the use of chemicals. We are poisoning our homes and poisoning our environment and poisoning our land in order to get rid of bugs that are eating our crops. This person has a new technology that will eliminate these bugs, kill them without the use of poisons, without the use of chemicals. Yet he says to me, "I'm afraid to write up a patent application because if it takes 15 years or 5 years or 10 years for me to get my patent issued, all of the foreigners will steal my idea, and I'll never get any benefit from it."

Someone wrote me and said "I need a new system to try to detect breast cancer."

Now these are things we do not think of, breast cancer, or meat spoilage, bugs that are being killed. These are little things that just slip by, but they make all the difference in the world to what our standard of living is, what kind of land that we will be in, whether or not we will—all of our food will be eaten by bugs or rodents or things like that, or we have to poison ourselves with chemicals to get rid of that problem.

□ 1500

These problems can be solved if we keep the door of technological progress open. This will slam the door in the face of these people. They know it. They are writing and calling every day saying, I cannot see a future and I will never move forward with my invention if these laws are in place.

The American people will suffer, and they will never know what hit them. They will never know that there was equipment to debug their homes without chemicals. They will never know about it in the future. Their children will be sick and their grandparents will be sick from the fumes, and our food will have the chemicals in it. They will never know there was an alternative, because the inventors could not apply for a patent without the worry of having it stolen from them.

Mr. Speaker, I had a man in my office when this was going to the committee, he ran a small solar energy company. And as I told him what was going on, his face became red and he

was pounding on the table. He said, Mr. Congressman, if that bill passes, I have put millions of dollars in trying to invent this method of improving the amount of electricity that comes out of solar energy. If they publish my patent, the Japanese will be in production of what I have invested my whole life in; they will be in production and they will be using the money that they are making from my technology to steal my technology from me legally in the court system once my patent is issued.

Mr. Speaker, this is wrong. This is wrong. It is going to hurt America. It is coming to a vote, and it is sliding right through the process. H.R. 400 will come to a floor vote on Thursday. There is an army of lobbyists contacting Members of Congress, paid for by multinational corporations and by huge American corporations.

Members of Congress need to talk to their constituents and the constituents need to talk to their Member of Congress. That is the way America will be saved. That is the way America has always been saved, not by some top dog somewhere making some decision.

During the American Revolution when Thomas Jefferson was writing the Declaration of Independence, a third of the colonists were supporting the British. They were basically people who were of the elite classes. Throughout our history, when American freedom was in jeopardy, it was the American people themselves and not our corporate elite and not our business executives, and not the big, important, handsome, and beautiful people that stepped forward. But it was those average Americans, average you and me type people, who saved the day, who charged up San Juan Hill with Teddy Roosevelt, who fought with the 69th Regiment, the Irish Regiment at Gettysburg, who fought the American Revolution, and afterwards saw that they did not get anything from it, and those same Tories came back who had supported the British and made all kinds of money by speculating on currency, on continental currency.

But I believe in the American people. I know that they will meet the challenges. They will keep our country free. When we celebrate Thomas Jefferson's birthday, and his birthday week, we will hold that torch high, because that is our job. It is not the job of Government. It is not the job of the other guy. It is the job of every human being who believes in liberty and believes our country must maintain the standards of justice and decency and the legal protection of individual rights far beyond those of any other country on this planet. Of that we can be proud.

Mr. Speaker, as long as we have that kind of commitment, America will remain that dream, that hope for all mankind. And we will lead the rest of the world into a new era when other people do have more opportunities, be-

cause we will maintain our standards, rather than trying to bring our standards down to those of other countries.

I am confident that we have a chance to win, but I am warning the people now. I am ringing the alarm bell. The people of this country have to step forward. I know they will.

Mr. Speaker, I include for the RECORD the document entitled "Mutual Understanding Between the Japanese Patent Office and the United States Patent and Trademark Office".

The material referred to is as follows:

JANUARY 20, 1994.

MUTUAL UNDERSTANDING BETWEEN
THE JAPANESE PATENT OFFICE AND
THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.

BRUCE A. LEHMAN,
Assistant Secretary of
Commerce, and Commissioner of Patents
and Trademarks,
United States Patent
and Trademark Office.

THOSE WHO WOULD AMEND THE
CONSTITUTION ARE REVOLUTIONARIES,
NOT CONSERVATIVES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from North Carolina [Mr. WATT] is recognized for 60 minutes as the designee of the minority leader.

Mr. WATT of North Carolina. Mr. Speaker, I do not think my colleague, the gentleman from California [Mr. ROHRBACHER], could have set the table any better for my comments, because I, too, am here today to speak on behalf of the American people, and some of the principles for which the American people fought many years ago in the establishment of this country.

This is a first for me. This is my third term in Congress. I am in my 5th year. I have never, ever requested an hour to address my colleagues or anyone in a special order. But I come today with such a firm belief that what we are about to do in this House on tomorrow, the issue that we are about to consider, which would require a two-thirds vote in this House for the passage of a bill which had the effect of increasing taxes, is so inconsistent with every single principle that is near and dear to me, and should be near and dear to the American people, that I asked for this time today.

The American people will probably remember this debate from a year ago. On April 15, 1996, the Republican leadership brought a bill to this body that was essentially identical to this bill. It would have required a two-thirds majority to increase taxes. That bill was resoundingly defeated, bipartisanly defeated, and so one wonders initially, why would the bill be back again tomorrow, on April 15, 1997, a bill that lost 243 to 177 last time? Why would it be back again?

Mr. Speaker, my Republican colleagues I believe are trying to convince the public that they are doing something that is in their interest, and on tax day they are trying to fan some flames and get some political benefits. But the American people should not be fooled by this.

Mr. Speaker, my colleagues tomorrow who bring this bill will say, we bring it to do a favor for the American people. We bring it as a conservative initiative to counteract those liberals who would raise taxes on the American people.

I want to reflect back, at the outset of my comments, to comments made by President Abraham Lincoln on February 27, 1860. This is what he said. I am quoting him directly:

But you say you are conservative, imminently conservative, while we are revolutionary, destructive, or something of the sort. What is conservatism? Is it not adherence to the old and tried, against the new and untried? We stick to, contend for, the identical old policy on the point in controversy which was adopted by our fathers who framed the government under which we live, while you, with one accord, reject and scalp and spit upon that old policy, and insist upon substituting something new.

True, you disagree among yourselves as to what the substitute shall be. You are divided on new propositions and plans, but you are unanimous in rejecting and renouncing the old policy of the fathers of our country.

Amending the Constitution of the United States, Mr. Speaker, is not a

conservative notion. It is a revolutionary, a radical notion, and I keep wondering why it is under those circumstances that over and over and over again this new majority, which calls itself a majority of conservatives, brings time after time after time again proposed amendments to the Constitution of the United States of America, in unprecedented numbers.

During the last term of Congress there were 118 constitutional amendments proposed; various permutations, combinations, proposed to this body by this new conservative majority, calling themselves conservatives, attacking the very document which is the basis on which we operate our Government.

In the last Congress we voted on four amendments to the Constitution, the balanced budget amendment, the term limits amendment, the flag desecration amendment, the supermajority for tax increases amendment, the same proposal that will be before the House again tomorrow.

Mr. Speaker, four proposed amendments to the Constitution may not sound like a dramatic number, but 118 proposed amendments were introduced in this body, the great, great, great, great majority of them by my colleagues calling themselves the new conservative majority; in the 104th Congress, the last Congress, proposed amendments 10 times more than any of the prior 10 Congresses, this conservative new majority.

Over the last 10 years, the average number of constitutional amendments introduced and voted on in the House was 1. Look back through our whole history in this country and look at the number of times our basic framework of our democracy has been amended, and here we are again tomorrow with a new constitutional amendment attacking the framework under which our Government and our country operates.

Mr. Speaker, I come with a passion about this issue. I have told my colleagues in this body many times that I believe on constitutional issues I may be the most conservative, maybe the only conservative in this body. I think it is revolutionary to propose a constitutional amendment. It is not conservative.

My colleagues can tell me over and over and over again how conservative they are, but it is not a conservative notion to amend the Constitution of the United States. Yet, over and over again during the last Congress and in this Congress, starting anew, there are a bunch of cavalier Members who believe that they have a better idea about how our country ought to operate than the Founding Fathers of our Nation, whose ideas have stood the test of time; a bunch of radicals calling themselves conservatives, and saying, we have a better idea about how to run this country.

Those are the kinds of people that my colleague, the gentleman from

California, was talking about, who are supporting not ordinary citizens who believe in the Constitution under which we operate, but they are supporting a different notion.

Why do I choose this proposed constitutional amendment to come and address? Mr. Speaker, I believe this is the most basic attack on our Constitution of any that were proposed during the last Congress, and any that will be proposed during this Congress.

□ 1515

It goes at the very heart of our democracy. Our democracy is based on majority rule, one person, one vote; every single individual in this country is equally weighted. And to come with a constitutional amendment which says require a two-thirds majority diminishes the value of somebody's vote and enhances the value of somebody else's vote. It is counterdemocratic.

Mr. Speaker, the essence of democracy is majority rule. Lord knows, I have been in a minority my entire life. I have no objection to being in a minority. What I have objection to is some supermajority requirement, because I understand that our democracy is based on majority rule.

Why is majority rule so basic? Go back to our Founding Fathers, Alexander Hamilton, in *The Federalist Papers*, here is what he said: "The fundamental maxim of republican government requires that the sense of the majority should prevail."

That is Alexander Hamilton, majority rule is the basis of our democracy. We litigated for years and years to establish the requirement that each person's vote out in the populace should be equally weighted in the selection of Members of the U.S. House of Representatives. In the cases of *Gray versus Sanders* and *Wesberry versus Sanders*, the U.S. Supreme Court specifically articulated that every single individual has an equivalent right to select the Members of this body.

Here is what the court said in *Westbury versus Sanders*:

We hold that, construed in its historical context, the command of Article I, Section 2 of the Constitution that representatives be chosen by the people of the several States means that, as nearly as practicable, one man's vote in a congressional election is to be worth as much as another's. To say that a vote is worth more in one district than in another district would not only run counter to our fundamental ideas of democratic government, it would cast aside the principle of a House of Representatives elected by the people, a principle tenaciously fought for and established at the Constitutional Convention.

We spent in 1990 almost \$3 billion, and in the year 2000 we will spend another \$4 to \$5 billion to count every citizen in the United States and reapportion our Government, because we believe in the principle of one person, one vote. We do not count and do a census

just for the heck of it. It is the basis of our democracy. It is the basis on which the membership of this House of Representatives is constituted.

We will spend \$4 billion in support of that proposition in the year 2000. And guess what? After that census is taken, in order to ensure that one person one vote is appropriately applied, the whole system of districts, congressional districts throughout the country will be reordered. Some States will lose representatives because they have lost population in proportion to other States. Some States will gain population. There will have to be a redrawing of congressional lines all across this country, because we believe in the principle of one person one vote. It is the basis of majority rule. It is the basis of a democracy.

Now, what happens then when a constitutional amendment is offered that requires a two-thirds vote? What you have said to the American people is, oh, no, we understand that you have the right to be equally represented in the selection of your Representatives, but your Representatives do not have the right to be equally represented in their voting on this issue. That, my friends, is the reason that the number of places in the U.S. Constitution requiring anything other than a majority vote is severely limited, limited to only four instances, four instances: Ratification or consent to a treaty, that is our relationship with an external entity, somebody external to our country so we require a higher level of support for that kind of endeavor; conviction in impeachment trials or expulsion of Members, our relationships internally in this body, we require a higher constitutional requirement; to override a Presidential veto, we require a higher than majority vote because that has to do with the balance of power between the various branches of the Government, and that is the way our Founding Fathers set it up; or passing a constitutional amendment.

That ought to tell us something about what our Founding Fathers thought about willy-nilly, based-on-popularity polls, based on the issue of the day or the thought-of-the-moment thought about amending the Constitution. That ought to tell us something about how serious they were about it. Yet this new conservative majority would have us believe that they are somehow being conservative, attacking the very document that is the basis of our democratic society.

We do not even require a supermajority, anything other than a majority in this House to declare war. Would anybody submit to me that a declaration of war is less important than raising somebody's taxes?

Mr. Speaker, this is a counterdemocratic movement that is being proposed, and it is being brought out here tomorrow onto this floor on

April 15, just like it was on April 15 a year ago, not for any substantive purposes but for political purposes.

Well, what do some of our Founding Fathers have to say about this majority rule or supermajority requirement? Listen, if you would, to Alexander Hamilton again, when he debated at the convention this whole notion that there ought to be something other than a majority vote to decide issues. Here is what he said:

What at first sight may seem a remedy is in reality a poison. To give a minority a negative upon the majority, which is always the case where more than a majority is requisite to a decision, is in its tendency to subject the sense of the greater number to that of the lesser. Its real operation is to embarrass the administration, to destroy the energy of the government, and to substitute the pleasure and caprice of an insignificant, turbulent or corrupt junta.

He called them a junta. Hey, that is a revolutionary term. It is a revolutionary term.

He went on to say,

This interruption of regular deliberations in decisions of a respectable majority would lead to tedious delays, continual negotiation and intrigue, contemptible compromises of the public good.

Mr. Speaker, those are not my words. Those are Alexander Hamilton's words on the founding of this country about this same kind of notion that is coming to the floor of the House of Representatives tomorrow.

Well, was Alexander Hamilton alone in his contempt for this requirement of something other than majority rule? No, he was not. What about James Madison in *The Federalist Papers*? It has been said, and I am quoting,

It has been said that more than a majority ought to have been required for a quorum and in particular cases, if not in all, more than a majority of a quorum for a decision. In all cases where justice or the general good might require new laws to be passed or active measures to be pursued, the fundamental principle of free government would be reversed. It would be no longer the majority that would rule, the power would be transferred to the minority. Were the defense privilege limited to particular cases, an interested minority might take advantage of it to screen themselves from equitable sacrifices to the general will or in particular emergencies to extort unreasonable indulgences.

Those are the words of James Madison on the founding of our country. They are not my words. And yet my colleagues would have us believe that this two-thirds supermajority to raise taxes is just, we are protecting the people of the United States. Well, which people of the United States are they protecting?

□ 1530

Which people are they protecting? I submit that they are not protecting any of us. Because if we truly believe in democracy, then we truly believe in the rule of the majority. And if we need to raise taxes or lower taxes or declare

war or take any action that is not already specified in the Constitution as requiring a higher than a majority vote, then we ought be able to do it based on majority rule.

I did not come here to talk about raising taxes or lowering taxes. This is not about the issue that underlies this. This is about the document that is the fabric and basis of our democracy. It is about majority rule. It is about standing up for every single person to have the same right that every other person in this country enjoys. It is about every single representative, each one of us, representing an equivalent number of people in the scheme of our Government, not having his or her vote in this House of Representatives diminished in any measure.

So it is not about taxes. That is not the issue at all. It is about the Constitution of the United States of America. It is about the principles that underlie majority rule and democracy in our country.

Mr. Speaker, this proposal that will come to us tomorrow is not even well drafted. I could not believe that I could pick up a document that proposes to amend the Constitution of the United States and find some of the language that I found in this bill. It says, "In order to pass a tax increase, you got to have a two-thirds vote if the tax increase is something more than 'de minimis'."

Who knows what *de minimis* means? There is not a person in this body who knows what *de minimis* is. There is no such word in the Constitution of the United States as we speak today. There has never been any definition of what that means.

So this constitutional amendment, this proposed constitutional amendment, were it to pass, would pass that authority to decide what the word "*de minimis*" means to the judicial branch of our government, interrupting, unbalancing the balance of power that has been established between the legislative body and the judicial branch of the Government.

The wording somehow was pulled out of the air for the purposes of this moment so that we could get it to the floor of the House of Representatives on April 15 because everybody is going to be worried about paying their taxes tomorrow.

That is the only reason this bill is coming to the floor tomorrow because my colleagues want the American people to think about this in an emotional fashion. They do not care about the merits of the bill. They do not care that 200 years from now they will have interrupted the most cherished notion of majority rule that our country is based on. They just want to make some political points on April 15, and they think that is the day to make them because people will be incensed about having to pay taxes. And they are

going to come here tomorrow and tell the American people that they are trying to do a favor for the American people.

I want to spend just a minute or two. I am not going to take the entire time I have, but I do want to take a few more minutes just to alert my colleagues that this is not about protecting the American people.

Understand that in 1952, corporate income taxes constituted 32 percent of all Federal revenue. By 1992, corporate taxes represented 9 percent of Federal revenue.

Let me repeat that. In 1952, corporate taxes constituted 32 percent of the Federal revenue. By 1992, corporate taxes constituted only 9 percent of Federal revenue.

During that time, we gave major tax breaks to trans, multinational corporations. They can set prices on an inter-company basis, sales and elect whatever country they wanted to pay taxes in. And nobody ever collects any taxes in the United States, so we built in an incentive for them to take our jobs abroad to other places. Represents \$12 billion in tax subsidies a year. Pass this constitutional amendment in order to undue that corporate tax welfare; it would take a two-thirds vote.

Do my colleagues really think this is about protecting the American people? This is about imposing more of the burden on the American people.

I am not going to go through all the corporate loopholes and subsidies that we provide to corporations, but it should tell us something, that if over a 40-year period the percentage of income that the Federal Government gets from corporations went down from 32 percent of income to 9 percent of the income, that somebody had to pick up that difference.

Now we are here, my colleagues, telling us that they are conservatives in this body, willing to undermine the basic principle that individual citizens and rights that individual citizens have in this country to have their vote equally counted and equally represented, with a piece of legislation that would require a two-thirds vote now to get rid of any of those corporate tax subsidies. We could not even go after them. Could not do it.

So tell me, my colleagues, whether this is about protecting the individual. Is this about protecting individual citizens of this country? My friends, it is not. What protects individual citizens of this country is being equally valued, being able to cast a vote and know that my vote counts as much as my colleague's vote and my colleague's vote counts as much as the next person's vote.

We go to great pains every 10 years to do a census because we value that notion. We value majority rule. We value one person, one vote, and we should resist as a people any attempt

to undermine the value that we place on that notion of majority rule. That is the essence of our democracy.

Mr. Speaker, you may have gathered by now that I feel strongly about this piece of legislation. Not because it has anything to do with taxes. I have been on this floor many times since I have been in this body speaking against proposed amendments to the Constitution of the United States. Were this a two-thirds majority requirement to reduce taxes, I would oppose it. Were it a two-thirds majority requirement to declare war, I would oppose it. Were it a two-thirds majority requirement to declare a war on poverty or to rescind a war on poverty, I would oppose it.

I cannot think of any single thing that I could want a two-thirds majority in this House to have to make law that is not already in the Constitution of the United States. And the reason I feel so strongly about that is because I believe that our country is founded on the notion that we all are equal. The value of our votes are equal, and the value of our Representatives in this body ought to be equal. This proposed constitutional amendment would end that in this instance.

I call on my colleagues to consider the value that our Founding Fathers placed on majority rule. They debated it at length. They did not want a dictatorship. They did not want the value of the wealthy to be greater than the value of the poor. They did not want the value of a person in California to be less than the value of a person in North Carolina. All they wanted was equality. That is all I want.

I urge my colleagues to defeat this proposed constitutional amendment, to preserve and respect the Constitution of the United States.

IT IS IN AMERICA'S INTEREST TO REVOKE CHINA'S MOST-FAVORED-NATION STATUS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes.

Mr. WOLF. Mr. Speaker, I am submitting for the RECORD the op-ed piece by Gary Bauer, president of the Family Research Council, which appeared in Sunday's Washington Post, April 13, 1997.

Mr. Bauer, along with a powerful coalition of religious leaders, advocates revoking China's most-favored-nation status, MFN, because of China's worsening human rights record, its continued proliferation of dangerous weapons and technology, its unprecedented military buildup, and its ballooning trade surplus with the United States.

□ 1545

Mr. Bauer writes, and I quote, "Morality and realism, too often considered

the poles of this debate, both now clearly dictate the same course. Unless it changes its ways, China should be disfavored nation in every aspect of foreign policy."

For Mr. Bauer and the coalition of conservative pro-family organizations and Christian leaders representing some 25 million Americans, the most compelling though not the only reason to revoke China's MFN status is repression of China's religious community. The government views as subversive the estimated 100 million Buddhists, the 17 million Moslems, the 8 million Catholics, and the 30 million Protestants worshipping outside the state-controlled so-called patriotic church system.

The Chinese Government's attacks on the people of faith have intensified since President Clinton delinked trade from human rights in 1994. Last year according to Nina Shea of Freedom House's Puebla Program, Chinese Christians reported that they were experiencing the worst persecution since the pre-Deng era of the 1970's. Shea estimates that China holds more religious prisoners than any other country in the world. Freedom House maintains a list of 200 persons imprisoned for their religious beliefs but estimates the actual numbers are thought to be in the thousands.

Since 1994, Chinese authorities have increased efforts to crack down on all unregistered churches and believers. In January 1994, Premier Li Peng, who was the man who called out the Chinese troops in Tiananmen Square that massacred all those young people, Li Peng promulgated two sets of regulations for registering religious activities. Security forces harass, arrest, beat, and imprison church leaders, impose stiff fines, demolish religious buildings or meeting places, and confiscate Bibles. Chinese authorities have called Protestants "enemy forces" and warned that Christianity has become the major threat to the Communist Party.

My office recently obtained a copy of a document released by the Communist Party at Donglai Province on November 20, 1996, outlining procedures for eradicating the underground Catholic church. It calls for "reeducation," ideological struggle sessions, and criminal prosecution of Catholics who are not involved in official churches.

Mr. Speaker, over 100 house church leaders have been arrested and jailed in the first 3 months of 1997, the first 3 months of 1997. And still the Clinton administration wants to grant this regime most-favored-nation trading status. This has been according to Compass Direct, including leaders of the three largest house church networks in Henan Province. Just before the Easter visit to China of Vice President AL GORE and a bipartisan congressional delegation led by Speaker NEWT GINGRICH, authorities raided the Shanghai

residence of Catholic Bishop Fan Zhongliang and confiscated his Bibles and other religious materials.

Last year, three evangelicals and one Catholic priest were killed in three separate incidents after receiving severe beatings by the police. Hundreds of Protestant house churches in Shanghai and other provinces have been forcibly closed or demolished, and the popular Catholic shrine at Donglu has been smashed. A number of unregistered Catholic churches in Hebei and Jiangxi have been desecrated, destroyed, or shut down.

And yet they want to give MFN to a country that does this, whose goal is to eradicate the house church, has Catholic bishops and priests in jail, is going after the evangelical Protestant church, have plundered Tibet and expelled the Dalai Lama from Tibet, and are persecuting Moslems in the northwest part of the country. And they want to grant MFN to them.

Mr. Speaker, would these people have wanted to give MFN to the Soviet Union when they were persecuting those of the Jewish faith and shutting down dissidents and doing all the bad things that they were doing? No, no one wanted to give it to them then in the 1980's because of the terrible things they were doing. We used MFN to get dissidents out of jail. Yet they want to give MFN to China when they are doing all these terrible things in the 1990's, in the year 1997.

In Tibet, the Chinese Government continues to plunder the Tibetan Buddhist culture and religion. The arrest, imprisonment, and torture of Tibetan monks and nuns continue unabated. The Chinese Government widened its ban on the photos of the Dalai Lama and contravened the spiritual process for selecting the Dalai Lama's successor, the Panchen Lama. The 6-year-old identified by the Dalai Lama as his successor disappeared in July 1995 and has not been heard of since. He has disappeared because of the activity of the Chinese Government in Tibet. And yet some people say they continue to want to give China most-favored-nation trading status. Only in Washington would that ever be said.

The Chinese Government has also continued its assault on political dissidents. In the words of the State Department's annual human rights report, it says, and I quote, "All public dissent against the party was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention or house arrest," end quote.

There are no dissidents left outside of prison in China because they are all in prison in China or have been expelled from the country.

Beijing's dictators have stepped up its religious persecution and its punishment of those who advocate democracy. That is a compelling moral rea-

son to revoke MFN, even for those, like myself, who favor free trade.

I quote, "Turning a blind eye to the torture of fellow believers, winking at forced abortions, and ignoring slave labor camps and summary executions are too high a markup for people who are both economic and social conservatives," Bauer argues.

He continues, and I quote, "all Americans have a historic attachment to the idea of human rights. Jewish leaders, because of the activities on behalf of Soviet Jews in the 1970's and 1980's, have effectively reminded Christians of their responsibility to help their brethren in China. We should have learned through bitter experience that aggressive and despotic regimes that abuse their own people seldom stop there. Soon they rise up to undermine our allies and, ultimately, to threaten us," end of quote.

Standing up to dictators is in our long-term national interests. The opposing view is that constructive engagement will bring long-term change we desire in China. But there is not evidence to suggest this approach is working. This engagement policy of MFN every year has been in effect for several years now, and we have seen no improvement, only worsening conditions. And for those who say maybe there is some improvement, talk to the priests and the ministers that are in jail, talk to the bishops that are in jail and ask them if their life has improved.

Mr. Speaker, there is not evidence to suggest this approach is working. To this Mr. Bauer says, and I quote, "Under the theories of constructive engagement, the past few years of America's demoralized Chinese policy should have produced at least some progress. In fact the regime in Beijing had every incentive to extend some olive branch to human rights issues. That it has chosen the opposite course should strike the advocates of cooperation as galling. But they are not easily galled," end of quote.

The business community continues to convince the Clinton administration to hold the Sino-American relationship hostage to American business interests. The Clinton administration hopes that China will become a modern civilized nation only when it is offered full membership in the community of nations.

"Today," and this is a quote, "Beijing continues to maintain a giant gulag of extra-judicial forced-labor camps called laogai. The cadres continue to impose a ruthless population-control program of forced sterilization and abortion. The systemic practices rival the worst abuses that occurred during seven decades of communist rule in the Soviet Union," Bauer argues. "U.S. human rights policy was never delinked from Moscow's behavior toward its own citizens."

It was never delinked in the Carter administration. It was never delinked

in the Reagan administration. And we had a bipartisan foreign policy of Republicans and Democrats, liberals and conservatives, that linked human rights and trade and MFN.

The Soviet Union was never a most favored trading partner in the United States. In the 1980's, we would have never given MFN to the Soviet Union. No member of Congress would have ever come down to the well of the House and spoken out in granting MFN to the Soviet Union because of what they were doing, and now the Clinton administration is asking that they extend MFN. Some are even asking for a permanent extension of MFN.

In the 1980's, Ronald Reagan called the Soviet Union the evil empire. His words resonated around the world and into the Soviet gulags where victims of repression were energized by the belief that the United States cared for them and was speaking out for them. I had the opportunity with the gentleman from New Jersey [Mr. SMITH] to go to Perm Camp 35, the gulag before communism fell where Shcharansky was imprisoned. We interviewed Shcharansky's cell mate in the gulag. Strangely enough, in the gulag, in the Ural Mountains far away from civilization, the prisoners in the gulag knew that Ronald Reagan and the Reagan administration was standing up for human rights. How? I do not know. But somehow they knew, because he had stood boldly in a bipartisan way on these issues of human rights. And now today China has repressed those in the Chinese gulags, and as many people know there are more gulags in China than there were in the Soviet Union.

Mr. Speaker, we all know that Solzhenitsyn wrote the book "Gulag Archipelago," and yet there are more gulags in China than there were in the Soviet Union. Yet today China's repressed hear only that the United States continues to deal with their repressor and ignores their suffering. How do we think a dissident in China feels when he sees that the Clinton administration is in support of MFN and wants to delink with regard to human rights and MFN?

For foreign policy realists, those who believe that power rather than principle should drive foreign policy, the case for revoking MFN is equally compelling. Principle or power. "The People's Liberation Army," and I quote, "is engaged in an unprecedented buildup and is selling its weapons to terrorist regimes," Bauer points out. China maintains a trade surplus in the United States that is fast approaching \$50 billion. We sell 15 billion dollars' worth of goods to China, but we buy almost 50 billion dollars' worth of goods in return and as a result have put a lot of American workers out of jobs.

Many people in jail in China, as I told my colleagues, in Beijing Prison No. 1 and other slave labor camps are working on goods that are being exported to

the United States. In fact, I visited Beijing Prison No. 1, a jail where Tiananmen Square demonstrators were working on making socks for export to the United States. And yet our workers had to compete with people who are in gulags and slave labor camps and jails.

Mr. Speaker, I have long believed that the benefits of standing with the victims of tyranny far outweigh the short-term economic sacrifices of dealing with dictators. Morally, economically, and militarily, the case for revoking China's MFN status gets stronger each year.

In summary, Mr. Speaker, I would put Mr. Bauer's whole article in the RECORD. I would encourage my colleagues to read it.

I will close this as something we should all think about as we face this issue in the next couple of weeks. There are Catholic priests and bishops in jail in China and have been there for a long while, and some have been recently arrested. There are Protestant pastors in China. On a weekly basis they go into house churches and arrest people. They have plundered Tibet and have expelled the Dalai Lama.

□ 1600

They are prosecuting those in the Moslem faith in the northwest region of their country. They have sold military equipment to the Iranian government. Just as recently as not very long ago, according to an article in the Washington Times this Friday, they have sold nuclear technology information to the Pakistan Government, which could destabilize the nuclear proliferation issue. They have more gulags in that country than they had in the Soviet Union, and yet we were so concerned about those in the Soviet Union, as we should have been, but we do not seem to be very concerned about what is taking place in China.

They have an organ donor program whereby they kill prisoners, line them up, and we have it on film, shoot them, and then the doctors take their kidneys out and sell them for transplantation for kidneys to people in the West for \$35,000 and \$40,000. We have a trade imbalance of almost \$40 billion.

And many times, if you hear people speak, they will speak about the Declaration of Independence. I am blessed to represent the State of Virginia where Thomas Jefferson, one of our leaders and Presidents and Governor, wrote the words in the Declaration of Independence while he was residing in the city of Philadelphia where he said "We hold these truths to be self-evident, that all men," and women, "are created equal, endowed by their Creator"; that means given by God, not by some Executive order by some administration or some legislative fiat, but endowed by God, given by their Creator, "with inalienable rights of life, liberty and the pursuit of happiness."

Now when Jefferson wrote those words he did not mean life, liberty, and the pursuit of happiness for people from Charlottesville or only from Virginia, but he meant it for the United States, he meant it for the people in China, he meant it for the people in Africa, he meant it for the people all round the world.

So when we think of these issues, do we want to stand with those of power, or do we want to stand with those with regard to principle, and I maintain for all of these reasons, economic reasons and defense reasons, but fundamentally for the life, liberty, and the pursuit of happiness reasons, those people of faith who are being persecuted in the country of China, we should deny MFN, and when we denied MFN to Romania back in the mid-1980's because of the activity it was doing of persecuting those of faith, the next day on Radio Free Europe in little villages throughout Romania on their little crystal sets they heard the word that the United States Congress, the House of Representatives, the people's body, had taken a stand on behalf of those people of faith, and that made a tremendous difference. And when we take a stand in this body in the next several months on behalf of people of faith, it will be one of our finest hours when we deny MFN to China.

Mr. Speaker, I include for the RECORD the Gary Bauer article I referred to.

[From the Washington Post, Apr. 13, 1997]

WHY PEOPLE OF FAITH MUST CHALLENGE CHINA

(By Gary Bauer)

The ground is shifting in the debate over renewal of most favored nation (MFN) trading status for China. New evidence of intensifying Chinese repression of religious liberty and political dissent is drawing into the argument a collection of religious and family-values organizations who sat out the MFN debate in 1996 and thereby ceded the field to economic interests, especially multinational businesses and Wall Street. We are sitting out no longer. Sometime next month, President Clinton will seek another year-long extension of China's favorable status in American trade law. When he does, Congress should hold a more searching discussion than we've had in past years. Then the president's request should be rejected. Morality and realism—too often considered the poles of this debate—both now clearly dictate the same course. Unless it changes its ways, China should be a disfavored nation in every aspect of American foreign policy.

For social conservatives, the most compelling—though not the only—reason is repression of China's growing religious community. The government views as subversive the estimated 100 million Buddhists, 17 million Muslims, 8 million Catholics and 30 million Protestants worshipping outside the state-controlled "patriotic church" system.

Repression ranges from ransacking homes in Tibet in search of banned pictures of the Dalai Lama to destroying or closing some 18,000 Buddhist shrines in Zhejiang province last spring. Ministers, priests and monks are routinely arrested, imprisoned, tortured and sometimes killed for the mere expression of their faith. Pastor Wong, who runs 40 evan-

gelical churches in Wuhan, was released in December after a fourth arrest for spreading the Gospel. This time his captors broke several of his fingers with pliers. Last month, just before Easter, police invaded the apartment of Roman Catholic Bishop Fan Zhongliang of Shanghai, seizing Bibles and other religious items.

These events form the core of the arguments we are making on Capitol Hill, and members of Congress have begun to rethink their positions. In the past few weeks, formerly "safe" House Republican votes for the renewal of MFN, like Majority Leader Dick Armey (Tex.) and Reps. John Kasich (Ohio), Fred Upton (Mich.), Peter Hoekstra (Mich.) and Bill Paxon (N.Y.), have voiced new doubts about the wisdom of the status quo.

In a letter to leaders of both parties earlier this year, I told them that the vote on MFN for China will no longer be a one-sided debate between big business and a handful of critics. My letter carried the support of Richard Land of the Southern Baptist Convention, James Dobson of Focus on the Family, Ralph Reed of the Christian Coalition, the Rev. Richard John Neuhaus of the Institute for Religion and Public Life, Ron Sider of Evangelicals for Social Action, and 19 other individuals and groups. Among us we have a combined membership of 25 million Americans.

Joined with labor and human rights groups, this is a formidable alliance—as it will need to be. The opposing Business Coalition for U.S.-China Trade is marshaling the lobbying efforts of more than a thousand multinational corporations and trade associations. But I believe that our involvement brings particular strengths because of our own pro-business record. We disagree in this case because turning a blind eye to the torture of fellow believers, winking at forced abortions, and ignoring slave labor camps and summary executions are too high a markup for people who are both economic and social conservatives.

But all Americans have a historic attachment to the ideal of human rights. Jewish leaders, because of their activities on behalf of Soviet Jews in the 1970s and 1980s, have effectively reminded Christians of their responsibility to help their brethren in China. We should have learned through bitter experience that aggressive and despotic regimes that abuse their own people seldom stop there. Soon they rise up to undermine our allies and, ultimately, to threaten us.

President Clinton entered office on an explicit pledge to revive the moral basis of U.S. policy on China, which had been left in ruins at Tiananmen Square. He said he would abandon the accommodating posture of President Bush and deal more firmly with the men his running mate, Al Gore, called the "butchers of Beijing." In particular, Clinton said, he would make the 1994 renewal of MFN—then and always the most significant element in Sino-U.S. relations—conditional on improvements in China's abysmal human rights record.

When 1994 arrived, there was no evidence of human rights progress. But the Clinton administration, in an exercise of misguided pragmatism, abandoned its own promises and "delinked" human rights from trade. Ever since, the administration has single-mindedly pursued a policy of "engagement" with Beijing like no other in the history of U.S. contact with a communist regime. "Realism" requires it, according to the administration.

Let's be realistic, then, about the fruits of current China policy. Besides China's apparent attempt to influence U.S. elections (a

story that is painfully unfolding each day), we have the spectacle of American business interests ratcheting up the level of accommodation even as Beijing tightens the thumbscrews of repression. Today, elements of the U.S. business community say annual renewal of MFN is not enough: Let's make China's status permanent, and throw in World Trade Organization membership and terminate sanctions on high-tech exports to China, to boot.

To understand how well this strategy will work now, consider 1994. At the very time President Clinton abandoned his MFN stance, the Chinese moved to crush religious freedom and began a brutal anti-clerical campaign. Premier Li Peng's Orders 144 and 145 banned all religious expression conducted outside China's state-run churches. China's timing was doubtlessly designed to test our mettle. Finding none, there came more turns of the screw. The U.S. State Department confirmed this in February in its report on human rights abuses. "Overall in 1996, the authorities stepped up efforts to cut off expressions of protest of criticism." The same went for "non-approved religious groups, including Protestant and Catholic groups."

Under the theories of constructive engagement, the past few years of America's demoralized China policy should have produced at least some progress. In fact, the regime in Beijing has had every incentive to extend some olive branch on human rights issues. That it has chosen the opposite course should strike the advocates of cooperation of galling. But they are not easily galled.

U.S. corporate opportunities in China's emerging economy, we are told, are too lucrative to be "held hostage" to human rights principles. "Hectoring" Beijing about its tyrannical behavior is counterproductive. China, the Clinton administration believes, will become a modern, civilized nation only when it is offered full membership in the community of civilized nations.

Today, three years after that invitation was extended, Beijing continues to maintain a giant gulag of extra-judicial forced-labor camps called laogai. The cadres continue to impose a ruthless population-control program of forced sterilization and abortion. These systemic practices rival the worst abuses that occurred during seven decades of communist rule in the Soviet Union. U.S. human rights policy was never "delinked" from Moscow's behavior toward its own citizens. And the Soviet Union was never a "most favored" trading partner of the United States.

So much for the moral benefits of engagement. But the broader goals of American foreign policy haven't been achieved either. The People's Liberation Army is engaged in an unprecedented buildup and is selling its weapons to terrorist regimes. Meanwhile, we annually export a paltry \$15 billion in goods to the mainland's largely closed markets, yet we buy \$50 billion in return. If American policy is going to stand on "bread alone," it should be better bread than this.

Admission to the company of civilized nations should require, at the very least, civilized behavior. How can the free world be "free" if it admits to its ranks, for favored commercial and diplomatic treatment, a burgeoning super-power that is the very definition of tyranny? It can't. Ronald Reagan, who peacefully ended the Cold War with a hard-nosed realism that was derived from morality, not deprived of it, understood this truth. And a Republican-majority Congress that claims Reagan's legacy should never forget it.

RECESS

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 4 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1828

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 6 o'clock and 28 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105-53) on the resolution (H. Res. 112) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 62, TAX LIMITATION CONSTITUTIONAL AMENDMENT

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 105-54) on the resolution (H. Res. 113) providing for consideration of the joint resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ROHRBACHER) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes each day, on April 15, 16, and 17.

Mr. NEUMANN, for 5 minutes each day, on April 15 and 17.

Mr. MILLER of Florida, for 5 minutes on April 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. ROHRBACHER) and to include extraneous matter:)

Mr. RADANOVICH.

Mr. GILMAN in two instances.

(The following Members (at the request of Mr. WOLF) and to include extraneous matter:)

Mr. SCOTT.

Mr. KENNEDY of Massachusetts.

Mr. FARR of California.

Mr. VISCLOSKEY.

Ms. JACKSON-LEE of Texas.

Mr. FATTAH.

Mr. KUCINICH.

Mr. GINGRICH.

Mr. COLLINS of Georgia.

Mr. GILMAN.

Mr. POMEROY.

Mr. UNDERWOOD.

Mr. ACKERMAN.

(The following Member (at the request of Ms. PRYCE of Ohio) and to include extraneous matter:)

Mr. BONIOR in two instances.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 20. Concurrent resolution expressing the sense of Congress regarding the status of the investigation of the bombing of the Israeli Embassy in Buenos Aires in 1992; to the Committee on International Relations.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 10, 1997:

H.R. 412. An act to approve a settlement agreement between the Bureau of Reclamation and the Oroville-Tonasket Irrigation District.

ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 15, 1997, at 10:30 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2753. A letter from the Assistant Secretary of Labor for OSHA, Department of Labor, transmitting the Department's final rule—Abatement Verification (Occupational Safety and Health Administration) [Docket No. C-03] (RIN: 1128-AB40) received April 7, 1997.

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2754. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN73-1a; FRL-5807-9] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2755. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH106-1a; FRL-5808-5] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2756. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation—Low-Price Systems [MM Docket No. 92-266] received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2757. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Rules and Policies Regarding Calling Number Identification Service—Caller ID [CC Docket No. 91-281] received April 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2758. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan Loans [5 CFR Part 1655] received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2759. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Thrift Savings Plan; Continuation of Eligibility [5 CFR Part 1620] received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2760. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2761. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Department of the Interior Acquisition Regulation; Department of the Interior Acquisition Regulation System (RIN: 1090-AA60) received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2762. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear [Docket No. 961107312-7021-02; I.D. 033197A] received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2763. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Scallop Fishery Off Alaska; Scallop Vessel Moratorium [Docket No. 961203339-7063-02; I.D. 111896B] (RIN: 0648-

AI88) received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2764. A letter from the Assistant Secretary of the Army (Civil Works), the Department of the Army, transmitting a letter from the Chief of Engineers, Department of the Army dated July 26, 1996, submitting a report on the Port of Long Beach, CA, together with accompanying papers and illustrations, pursuant to Public Law 104-303, section 101(a)(4) (110 Stat. 3663) (H. Doc. No. 105-65); to the Committee on Transportation and Infrastructure and ordered to be printed.

2765. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule—Regulations Governing Book-Entry Treasury Bonds, Notes and Bills (Bureau of the Public Debt) [31 CFR Part 357] received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2766. A letter from the Chair, Physician Payment Review Commission, transmitting the Commission's 1997 annual report, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1001. A bill to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission (Rept. 105-49 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1226. A bill to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information; with an amendment (Rept. 105-51). Referred to the Committee of the Whole House on the State of the Union.

Mr. STUMP: Committee on Veterans' Affairs. H.R. 1090. A bill to amend title 38 United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error (Rept. 105-52). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 112. Resolution providing for consideration of motions to suspend the rules (Rept. 105-53). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 113. Resolution providing for consideration of the joint resolution (H.J. Res. 62) proposing an amendment to the Constitution of the United States with respect to tax limitations (Rept. 105-54). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. NETHERCUTT (for himself and Ms. FURSE):

H.R. 1315. A bill to amend the Public Health Service Act to require the establish-

ment of a comprehensive plan regarding the diabetes-related activities of the National Institutes of Health, and for other purposes; to the Committee on Commerce.

By Mr. COLLINS:

H.R. 1316. A bill to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits; to the Committee on Government Reform and Oversight.

By Mr. KOLBE (for himself, Mr. DIAZ-BALART, and Mr. BARTON of Texas):

H.R. 1317. A bill to establish the High Level Commission on International Narcotics Control; to the Committee on International Relations.

By Mr. ROYCE (for himself and Mr. MINGE):

H.R. 1318. A bill to establish a National Commission to Eliminate Waste in Government; to the Committee on Government Reform and Oversight.

By Mr. ROYCE:

H.R. 1319. A bill to abolish the Department of Commerce; to the Committee on Commerce, and in addition to the Committees on Transportation and Infrastructure, Banking and Financial Services, International Relations, National Security, Agriculture, Ways and Means, Government Reform and Oversight, the Judiciary, Science and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKEY:

H.R. 1320. A bill to amend the Internal Revenue Code of 1986 to waive in the case of multiemployer plans the section 415 limit on benefits to the participant's average compensation for his high 3 years; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

H.R. 18: Mr. BALDACCIO, Mr. GEKAS, Mr. LOBIONDO, and Mr. HULSHOF.

H.R. 52: Mrs. MALONEY of New York.

H.R. 113: Mr. SMITH of Michigan and Mr. BARTLETT of Maryland.

H.R. 147: Mr. DAVIS of Illinois.

H.R. 218: Mr. LUCAS of Oklahoma.

H.R. 234: Mr. GONZALEZ and Mr. GEJDENSON.

H.R. 235: Mr. JONES.

H.R. 407: Mr. NEAL of Massachusetts, Ms. KILPATRICK, Mr. HAYWORTH, Mr. KLECZKA, and Mrs. KELLY.

H.R. 411: Mr. FILNER.

H.R. 418: Mr. GALLEGLY and Mr. WEYGAND.

H.R. 426: Mr. CLYBURN, Mr. GORDON, Mr. HUNTER, Mr. CALVERT, and Mrs. KELLY.

H.R. 437: Ms. HOOLEY of Oregon, Mr. FATTAH, Mr. WEYGAND, Mr. DELLUMS, Mr. GILMAN, and Mr. ACKERMAN.

H.R. 588: Mr. CLAY, Ms. CHRISTIAN-GREEN, Mr. BARTLETT of Maryland, Mr. NUSSLE, and Mr. LEWIS of Georgia.

H.R. 623: Mr. LATOURETTE.

H.R. 662: Mr. CAPPS, Ms. WATERS, and Mr. MILLER of California.

H.R. 663: Ms. MCKINNEY, Ms. ROSELEHTINEN, Mr. MEEHAN, Mr. YATES, Mr. DELAHUNT, Mr. CAPPS, Mr. JEFFERSON, Mr. PAYNE, Ms. BROWN of Florida, Mr. RUSH, Mr. OLVER, Mr. EVANS, Mr. HASTINGS of Florida, and Mr. MILLER of California.

H.R. 680: Mr. WATT of North Carolina.

H.R. 681: Mr. DREIER, Mr. LEWIS of California, Mr. PACKARD, Ms. ESHOO, Mr. CONDIT, Mr. BERMAN, Ms. MILLENDER-MCDONALD, and Mr. WAXMAN.

H.R. 688: Mr. RADANOVICH, Mr. PALLONE, and Mr. PAXON.

H.R. 871: Mr. SANDERS, Mr. BENTSEN, Mr. DELLUMS, and Ms. FURSE.

H.R. 891: Mr. WELDON of Florida, Mr. FROST, Mr. FOLEY, Mrs. EMERSON, and Mr. BACHUS.

H.R. 919: Mr. DAVIS of Illinois.

H.R. 1023: Mrs. FOWLER, Ms. KILPATRICK, Mr. SPENCE, Mr. FORD, Mr. KIND of Wisconsin, Mr. MASCARA, Mr. WATKINS, Ms. WOOLSEY, Mr. WEYGAND, Mr. HINOJOSA, Mr. GREENWOOD, and Mr. KENNEDY of Massachusetts.

H.R. 1050: Mr. DAVIS of Illinois and Mr. KUCINICH.

H.R. 1073: Mr. FRANK of Massachusetts, Ms. WATERS, Mr. BARRETT of Wisconsin, and Mr. FROST.

H.R. 1089: Mr. DAVIS of Illinois and Mr. WYNN.

H.R. 1090: Ms. SLAUGHTER, Mr. WATTS of Oklahoma, and Mr. FATTAH.

H.R. 1111: Mr. OLIVER, Ms. MCKINNEY, Mr. CLAY, Mr. WALSH, Mr. TOWNS, Ms. BROWN of Florida, Mr. FROST, Mr. GONZALEZ, Ms. CHRISTIAN-GREEN, Mrs. MORELLA, Mr. UNDERWOOD, and Mr. LEWIS of Georgia.

H.R. 1126: Mr. BOYD and Mr. KING of New York.

H.R. 1147: Mrs. CHENOWETH and Mr. NEY.

H.R. 1161: Mr. SMITH of New Jersey and Mr. ROTHMAN.

H.R. 1162: Mr. PACKARD.

H.R. 1178: Mr. SHAYS and Mr. FROST.

H.R. 1226: Mr. GREENWOOD.

H.R. 1251: Mr. HASTINGS of Florida.

H.R. 1263: Mr. KENNEDY of Rhode Island.

H. Con. Res. 8: Mr. BOEHLERT, Mr. SHAYS, Mr. ACKERMAN, Mr. FALEOMAVAEGA, and Mr. GOSS.

H. Con. Res. 37: Mr. TORRES.